THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.13084 of 1999

Dated: 28.03.2007

Between:

K. Jagannadh.

.... PETITIONER

AND

The A.P.Transco, rep. by its Chairman & Managing Director, Vidyut Soudha, Somajiguda, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.13084 of 1999

ORDER:

Questioning the orders dated 11.08.1998, passed by the 2nd respondent-Superintending Engineer, rejecting the case of the petitioner for appointment as Junior Lineman as against 50% quota of vacancies in terms of B.P. Ms. No. 36, dated 18.05.1997 on the ground that he failed in pole climbing test and that his name is also not found in the records as Casual Labour, the petitioner filed the present writ petition.

2. Though the matter was adjourned three times, none appeared for the petitioner nor there is any representation.

3. The contention of the petitioner, as per the affidavit, is that he worked as Contract Labour with the respondent-Organization for a period of 80 days in the year 1980. His further contention is that when his case for absorption had not been considered by the respondent-Organization in terms of B.P. Ms. Nos.36, dated 18.05.1997, himself and others filed writ petition in W.P. No. 27215 of1997, and this Court, by order dated 22.10.1997, disposed of the said writ petition directing the respondents to interview the petitioners therein, and pursuant to the said directions, the 2nd respondent called him for interview and issued the impugned orders rejecting his claim for regular appointment as Junior

Lineman. Aggrieved by the same, the petitioner filed the present writ petition.

4. The respondents filed counter affidavit *inter alia* stating that due to the discrepancy in the name of the petitioner, his name was not found in the records initially, and in pursuance of the direction of this Court in W.P.M.P.No.16009 of 1999 in W.P.No.13084 of 1999, the respondents have conducted an enquiry and confirmed the identity of the petitioner, that he worked in the respondent-Organization earlier, and is eligible for the post of Typist as per his qualifications. It is stated that out of two vacancies of Typist available as on 18.05.1997, one post was filled up by the eligible Ex-casual labour and other post was reserved for the candidate belonging to S.C. category, as per roster. It is further stated that the claim of the petitioner for appointment to the post of Typist cannot be granted because 50% vacancies of Typists in O.C. Category, as on 18.05.2997, were exhausted.

However, the learned Standing Counsel submits that a direction be given to the Chief General Manager of the respondent-Organization, to consider the case of the petitioner for appointment to the post of Typist.

5. The contention of the respondents that due to discrepancy in the name, the name of the petitioner was not shown in the list, cannot be accepted, as admittedly, the petitioner who was said to be working with the respondents as on the cut of date i.e., 18.05.1997, was eligible for consideration of his case, and therefore, the respondents have committed an error in not considering the case of the petitioner for absorption against the

50% vacancies, independently. However, in view of the agreed stand taken by the respondent-Organization that a direction should be given to the authorities concerned to re-consider the case of the petitioner, I deem it appropriate to dispose of the writ petition with the following directions:

1. The petitioner is at liberty to produce all the relevant material before the Chief General Manager of the respondent-organization on or before 10.05.2007 to substantiate his claim.
2. On receiving such material, the Chief General Manager is directed to reconsider the case of the petitioner in the light of the material to be produced by the petitioner and the record available with them and pass a speaking order as expeditiously as possible.

With the observations as above, the writ petition is disposed of. There shall be no order as to costs.

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N.V. RAMANA, J.

Date: 28.03.2007

sj